

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FOR THE NORTHERN DISTRICT OF TEXAS

BARBARA HILDENBRAND,  
Plaintiff

v.

UNITED STATES  
DEPARTMENT OF JUSTICE,  
Defendant

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No. \_\_\_\_\_

PLAINTIFF'S ORIGINAL COMPLAINT AND  
REQUEST FOR DECLARATORY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, BARBARA HILDENBRAND, hereinafter "Plaintiff," and files the following complaint, directed to the UNITED STATES DEPARTMENT OF JUSTICE, hereinafter "Defendant," and for cause of action, would show the Court as follows:

I.

- 1) This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to order the production of agency records concerning documentation of evidence used in criminal case 3:04-CR-00318, in which Plaintiff was convicted and wherein Plaintiff alleges that Defendant has improperly withheld records from Plaintiff.
- 2) This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), the Freedom of Information Act, and 28 U.S.C. § 2201, the Federal Declaratory Judgment Act.

- 3) Plaintiff was convicted for violations of 18 U.S.C. § 1012. She has repeatedly, as demonstrated further in this Complaint, requested documentation used by Defendant as evidence in her prosecution. Defendant has supplied Plaintiff with nothing more than a copy of her Factual Resume which was drafted by the Government after her indictment. If that is the only evidence Defendant possesses, then there was no evidence to support the indictment.
- 4) Defendant is an agency of the United States and has possession of the documents that Plaintiff seeks.
- 5) Attached as exhibits to this Complaint, and incorporated herein by reference, are two letters responding to FOIA requests indicating that no federal funds were ever given to a nonprofit purchaser of HUD REO homes, and that there is not a HUD program named the Single Family Affordable Housing Program and no specific statutory scheme describing such program.
- 6) In a FOIA request dated February 14, 2011, Plaintiff requested from the Department of Housing and Urban Development (HUD) documents evidencing that Plaintiff violated any HUD regulations or that her employer, Community Housing Fund (CHF), ever received any federal funds from HUD at any time, pursuant to the Single Family Affordable Housing Program or any other federal program.
- 7) On March 21, 2011, HUD replied to Plaintiff's FOIA request and indicated that all of their records had been sent to the United States Attorney's Office in Dallas, Texas.

- 8) On March 24, 2011, Plaintiff made a FOIA request to the United States Attorney's Office, requesting the records that HUD had sent.
- 9) On May 6, 2011, Defendant's Executive Office for United States Attorneys indicated that they had received Plaintiff's request, and were enclosing all of their records pertaining to Plaintiff's case. The only document disclosed was a copy of Plaintiff's Factual Resume. The Executive Office indicated that this was a full release of information requested by Plaintiff.
- 10) On May 16, 2011, Plaintiff filed an administrative appeal indicating that Defendant was nonresponsive to Plaintiff's FOIA request.
- 11) On June 7, 2011, Defendant acknowledged receipt of Plaintiff's administrative appeal, assigned Case No. 11-563.
- 12) Despite repeated telephone calls inquiring about the status of the FOIA request and appeal, there has been no response or attempt to comply with disclosure of the records by Defendant.
- 13) Copies of all documents referenced above are attached to this Complaint.
- 14) Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3) and there is no legal basis for Defendant's denial of such access.

WHEREFORE, Plaintiff requests this Court:

- 1) Order Defendant to provide true copies of all requested documents;
- 2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- 3) Award Plaintiff costs and reasonable attorney fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- 4) Grant such other and further relief as it may deem just and proper.

II.

ALTERNATIVELY, should Defendant not comply with Plaintiff's requests for information, Plaintiff requests a Declaratory Judgment of the following items:

- a) There were no Federal funds or any type of financial Federal assistance ever given to Community Housing Fund.
- b) There were no Federal funds ever given to any nonprofit purchaser of HUD REO who paid for the purchase with private money.
- c) There is no HUD program called the Single Family Affordable Housing Program.
- d) There is no specific statutory scheme for the purported Single Family Affordable Housing Program.
- e) No CHF payments were made to Mel Sorem and then again to Gerald Stone for the same work.
- f) No CHF payments were made to Gerald Stone/Ranscott Construction that were in excess of the amount HUD said was required to bring a specific house up to HUD standards pursuant to HN 94-74.
- g) No CHF payments were made to Gerald Stone/Ranscott Construction in excess of the amount acknowledged and approved by HUD on closing statements prepared by HUD.
- h) No statute allowed Plaintiff to purchase a HUD REO.
- i) Plaintiff was not charged with, nor convicted of, being the alter-ego of CHF.
- j) There was never any embezzlement, theft or fraud against CHF by Plaintiff or her husband.

k) Plaintiff never received any money from CHF that was not in the form of an approved salary.

l) HUD never lost, nor claimed it lost, any money on houses it sold to CHF.

Additionally, should Defendant not comply with the production of any records contradicting the items requested in the Declaratory Judgment and this Court issues the Declaratory Judgment, Plaintiff requests the Court to award reasonable attorney fees.

Respectfully submitted,

/s/ John D. Nation

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